

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MAY 5, 1992**

The one thousand six hundred and forty-sixth meeting of the Milwaukie City Council was called to order at 7:05 PM in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Roger Hall

Jean Schreiber
Bob Knudson
Rob Kappa

Also present:

Dan Bartlett,
City Manager
Tim Ramis,
City Attorney
Angus Anderson,
Finance Director
Chuck Mansfield,
Police Chief

Dan Olsen,
Fire Chief
Tim Corbett,
Public Works Director
Maggie Collins,
Community Development Dir.
Pat DuVal,
Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND
AWARDS**

Proclamation - Apprenticeship Month

Mayor Lomnicki read a proclamation naming the month of May 1992 as *Apprenticeship Month in the City of Milwaukie*.

Proclamation - Better Hearing and Speech Month

Mayor Lomnicki read a proclamation naming May 1992 as *Better Hearing and Speech Month* in the City of Milwaukie and encouraged all citizens to participate in this observance.

Public Works Open House

Mayor Lomnicki announced an open house at the Johnson Creek facility on May 9, 1992 in observance of American Public Works Week and National Drinking Water Week.

Substance Abuse Programs

Charles Mansfield, Police Chief, discussed the D.A.R.E. program recently completed in the six Milwaukie Elementary Schools. He discussed the bond between the D.A.R.E. Officers and the students. He said without School District and community organization help, the program would not have gone forward. He said programs like D.A.R.E. strengthen the community through a partnership.

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Mansfield discussed the Community Drug Prevention Coalition. The group has elected a board of directors and appointed officers. He said the Coalition is going to have an information booth at Festival Daze. He urged that Council join with him in efforts to expand the group throughout the community.

Mayor Lomnicki asked **Mansfield** to discuss the student who had given a statement at the D.A.R.E. graduation ceremony. **Mansfield** said a 6th grade student had realized her drug dependency while in the D.A.R.E. program and entered a treatment program. She shared her experience with the other students during D.A.R.E. graduation.

Councilmember Kappa asked if D.A.R.E. students could address Council. **Mansfield** said some of the D.A.R.E. graduates were very proud of their accomplishments and would probably be happy to address Council. He said the students would also be participating in the Festival Daze Parade.

PUBLIC HEARING

None scheduled.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS**Consider Telephone Franchise Renewal - Ordinance**

This item was not received in the City Manager's Office and was postponed until the May 19, 1992 meeting.

Consider Appropriation Transfer from Contingency - Resolution

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a budget appropriation transfer resolution allowing transfers to cover anticipated expenditures in excess of originally approved appropriation limits. He discussed Oregon Budget Law and the manner in which funds were transferred and expended.

Anderson discussed the Fire Department transfer. He said salaries had been figured prior to settlement of the bargaining contract. The transfer reflects that change in salaries.

Councilmember Kappa asked how much would be left in contingency. **Anderson** said the General Fund contingency was reduced by \$255,000. He said he still anticipates a \$45,000 ending fund balance. **Anderson** said he plans to bring appropriations before Council on a minimum of a quarterly basis.

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It was moved by Councilmember Hall and seconded by Councilmember Knudson to adopt the resolution approving budget appropriation transfers. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 14-1992:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO APPROVE BUDGET APPROPRIATION TRANSFERS.

Councilmember Schreiber reviewed some of the Police Department activities mentioned in the quarterly report. She said citizens should be informed of the department's work.

Transient Room Tax Measure

Mayor Lomnicki discussed the Hotel/Motel Tax Task Force information that was received from the City of Wilsonville. He said the task force was concerned with double taxation and having revenues go only for tourism.

Bartlett said the Clackamas County Board of Commissioners was holding a public hearing on May 7 to consider putting a measure on the June ballot. He said the Chambers of Commerce were concerned with the use of the fees. He said the County ordinance was written in such a way that it may pre-empt the use of funds by the cities and make it strictly for tourism. He said many cities believe the measure should be postponed until the September election.

Councilmember Hall said he believed there were three issues to address: the need for more time to evaluate support or non-support of the proposed measure; local revenue sharing options; and the need for adequate response time to this action.

It was the consensus of Council to direct staff to draft a letter to the Clackamas County Board of Commissioners and be signed by the Mayor. The letter should contain these concerns and request that the election be postponed until September 1992.

Light Rail Meeting

Councilmember Schreiber asked if any other members of Council would be attending the light rail meeting on May 6.

Mayor Lomnicki said there are two light rail studies. The Milwaukie Corridor Proposal would be discussed at the May 6 meeting at the Sellwood-Moreland Boys and Girls Club. The I-205 corridor meeting is scheduled for May 13.

McLoughlin Blvd. Improvements

Mayor Lomnicki discussed the ODOT plan to change the location of the detention ponds around Thomason Toyota. He asked Bartlett if ODOT has made the decision or does the City have any control over these plans.

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Maggie Collins, Community Development Director, said the Planning Commission was reviewing this proposal as a nonconforming use. She said the pond would be displaced if the Planning Commission approved the proposal. Locating the detention ponds outside of the public right of way would require a community service overlay application.

Councilmember Schreiber said the ponds were originally perceived as a landscaped, inviting area for those coming into the City. She asked what criteria was being considered. **Collins** said the criteria would be the impact on the surrounding neighborhood. She said the proposal would go back to the Planning Commission for the final decision.

Bartlett said the proposal was not beyond the decision-making point. He said he was concerned that this discussion might become an ex parte contact if the Planning Commission decision was appealed to the City Council.

Mayor Lomnicki discussed the appeal time lines.

Councilmember Kappa asked if there could be a work session with ODOT. **Ramis** said it could be considered an ex parte contact based on a prejudgment resulting from the meeting with ODOT.

Bartlett said this is a process and means for the City to address if there is some value beyond the basic criteria of the code.

CONSENT AGENDA

It was moved by Councilmember Hall and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of April 21, 1992. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION**League of Oregon Cities Information**

Bartlett reviewed the information items in the packet. He said he and Councilmember Schreiber had attended the League of Oregon Cities Regional Meeting. He said there is an indication that the state legislature will have more control over how local jurisdictions raise their funds. An example of this is universal franchise fees. The state will collect administrative fees and direct how cities can spend these funds.

Enforcement Action

Bartlett discussed the enforcement action on Metro Marine. He said the building was declared dangerous based on City code, and power will be shut off. He said the site had been inspected by the South Metro Fire Marshal's Office and City staff. Fire and life safety issues were found which must be acted upon.

CITY COUNCIL MEETING - MAY 5, 1992**City Attorney Contract**

Bartlett discussed the status of the City Attorney contract. He said staff would be tightening up on how much work is requested of the City Attorney. He said both he and City Attorney Ramis were aware of the need to watch expenditures. He said there was a spread sheet attached to his memo indicating the distribution of expenditures.

Public Safety Building

Bartlett said demolition of the former Albertsons building would begin on May 7 or 8 and will take about a month. He said a model of the new building would be on display at the Chamber Trade Show on May 7.

Councilmember Hall asked why demolition was taking so long. **Bartlett** said the demolition contractor feels there is salvageable material in the building.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 7:50 PM.

Pat DuVal

Pat DuVal, Recorder/Secretary

